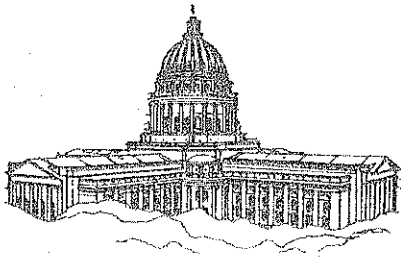## STATE REPRESENTATIVE

GARY HEBL

46TH ASSEMBLY DISTRICT

TO: Members of the Assembly Corrections and the Courts Committee
FROM: Representatives Gary Hebl
RE: AB 420, The Parole Fairness Act
DATE: September 23, 2009

Currently, when a person is sentenced for an offense, he or she may be released on parole or extended supervision (ES) under certain conditions. If the person violates the conditions of release, the parole or ES can be revoked and the person can be sent back to jail or prison. This is known as revocation. Often times revocation is the result of a "technical" violation of the terms of supervision, such as missing a meeting with a parole agent. In the event of revocation, time served in the community is not calculated as time served toward the sentence. This bill allows the time served on parole or ES, prior to revocation, to count toward a person's total sentence.

This bill promotes both fairness and cost efficiency in our justice system. It promotes fairness by eliminating the double penalty those revoked currently face when they violate the terms of release. Currently, revoked parolees are punished first by being sent back to jail or prison and second by the increased time they are subject to serve on the underlying sentence. In fact, a court in West Virginia ruled that the extension of the original punishment constitutes multiple punishments for the same offense in violation of the Double Jeopardy clause of the Fifth Amendment.

This bill promotes efficiency by acting as a cost saving measure that will reduce incarceration resulting from parole and ES revocation, and reduce the amount of time offenders spend on supervision. With Wisconsin's ever-growing prison population and the phenomenal costs associated with it, it makes sense to reform policies that increase costs without benefiting public safety.

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Testimony of Senator Lena C. Taylor
Assembly Committee on Corrections and the Courts
2009 Assembly Bill 420—Street Time Credit for Offenders
Wednesday, September 23, 2009

Honorable members of the committee,

Thank you for taking testimony relating to Assembly Bill 420, which creates Street Time Credit for offenders on Extended Supervision.

During this session, I have had the privilege to work extensively on sentencing matters with the Committee on Justice Reinvestment Initiative Oversight. This committee produced a data driven road map for the state to travel to find ways to preserve public safety, reduce corrections costs, stop prison building, and ease the overcrowding in our prisons. Many of these suggestions were included in the state budget as matters that both house in the Legislature agreed to.

One of the provisions recommended by the policy experts at the Council on State Governments, thought not included in my committee's report was to extend "street time credit" to offenders. The fact that it was not included in our committee's report does not diminish the impact that it can have on easing prison burdens, especially with revocations as they are the leading driver of our prison costs.

Under the Truth in Sentencing policy, an offender is sentenced to a bifurcated sentence consisting of incarceration and extended supervision. If during this time of extended supervision, if the offender is reincarcerated for violation of the terms of extended supervision or a new crime, the offender must serve the entire term of his original sentence. *However, the time he or she did successfully serve on extended supervision is not counted towards that sentence.*

The small change will eliminate a portion of the overcrowding in our corrections system. It is not the silver bullet nor is it the magic pill that will solve our corrections policy. However, it is a smart move to make in our management of the system and simply a fair thing to do – to count the time one serves.

I thank Rep. Hebl for working with closely with myself and Rep. Parisi on this sensible change, and earnestly encourage you to join me in working toward a more efficient corrections system by supporting this bill.

Thank you.